

FILED  
CLERK'S OFFICE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

**05-10330 REK**

JUAN MARIA FERNÁNDEZ BATISTA,	MAGISTRATE JUDGE <i>New Judge</i>
Petitioner/Plaintiff	)
v.	)
ALBERTO GONZALES, Attorney General;	)
U.S. DEPARTMENT OF HOMELAND SECURITY;	)
U.S. CITIZENSHIP AND IMMIGRATION	)
SERVICES;	)
Respondents/Defendants	)

RECEIPT #	<i>250</i>
AMOUNT \$	<i>250</i>
SUMMONS ISSUED	<i>Yes</i>
LOCAL RULE 4.1	<i>✓</i>
WAIVER FORM	<i>✓</i>
MCF ISSUED	<i>✓</i>
BY DPTY CLK	<i>✓</i>
DATE	<i>2/18/05</i>

**PLAINTIFF'S ORIGINAL COMPLAINT FOR  
WRIT IN THE NATURE OF MANDAMUS**

This action is brought by the Petitioner, Juan Maria Fernandez Batista, against the Defendants to compel action on an application for naturalization properly filed by the Plaintiff. The application was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriment.

**PARTIES**

1. The Petitioner/Plaintiff, **Juan Maria Fernandez Batista** is a 59 year old native and citizen of the Dominican Republic. He last entered the United States on November 16, 1973. Petitioner/Plaintiff resides at 2111 Crane Brook Way, Peabody, MA 01960.
2. The Respondent/Defendant, **Alberto Gonzales**, is being sued in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws, pursuant to 8 U.S.C., Section 1103, and he possesses extensive discretionary powers to grant certain relief to aliens. More specifically, the Attorney

General is responsible for the adjudication of Applications for Naturalization pursuant to Section 310 of the Immigration and Nationality Act (“INA”), 8 U.S.C. Section 1421. The U.S. Citizenship and Immigration Service is an agency within the Department of Justice to whom the Attorney General’s authority has in part been delegated, and is subject to the Attorney General’s supervision.

3. The Respondents/Defendants, **Department of Homeland Security and the U.S. Citizenship and Immigration Services** are the agencies responsible for enforcing the Immigration and Nationality Act (“INA”). (The Department of Homeland Security will be referred to hereinafter as the “DHS” and the U.S. Citizenship and Immigration Service will be referred to hereinafter as the “CIS.”)

**JURISDICTION**

4. Jurisdiction in this case is proper under 28 U.S.C. Sections 1331 and 13361, 5 U.S.C. Section 701 et seq., and 28 U.S.C. Section 2201 et seq. Relief is requested pursuant to said statutes.

**VENUE**

5. Venue is proper in this court, pursuant to 28 U.S.C. Section 1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to the Plaintiff’s claim occurred. More specifically, the Plaintiff’s Application for Naturalization was properly filed and, to the Plaintiff’s knowledge, remains pending with the Boston CIS.

**EXHAUSTION OF REMEDIES**

6. The Plaintiff has exhausted his administrative remedies. The Plaintiff attended an interview regarding his Application for Naturalization almost two years ago. The Plaintiff, through his attorney, made numerous inquiries concerning the status of his application following the interview. To date, the Plaintiff has not received a decision or response from the U.S. CIS.

**CAUSE OF ACTION**

7. The Plaintiff entered the United States on November 16, 1973 and has lived in this country as a Legal Permanent Resident since that date. The Plaintiff has several criminal convictions that rendered him deportable from the United States. All such convictions were prior to April 1, 1997.

8. In July, 1995, the then Immigration and Naturalization Service (“INS”) served the Plaintiff with an Order to Show Cause thereby placing him in deportation proceedings. After many years of litigation in the U.S. Immigration Court the Plaintiff applied for a waiver of his criminal convictions under INA section 212(c). On January 11, 2002, the Immigration Judge granted the Plaintiff’s application for a waiver pursuant to INA section 212(c).

9. On February 6, 2002, the Plaintiff filed an Application for Naturalization – Form N-400 – with the U.S. Citizenship and Immigration Service (“CIS”). (A copy of the N-400 is attached hereto as Exhibit A). On January 23, 2003, the CIS interviewed the Plaintiff at the Boston CIS Office regarding his Application for Naturalization. At that interview, the CIS Officer issued a request for additional documentation to the Plaintiff. (A copy of the request is attached hereto as Exhibit B).

10. On several occasions subsequent to January, 2003, counsel for the Plaintiff filed responses to the CIS request for additional documentation and made inquiry regarding the status

of the N-400. On May 24, 2004, and again on August 6, 2004, counsel for the Plaintiff hand delivered certified copies of the Plaintiff's criminal records as requested by the CIS officer. (Copies of the submission from Attorney Linda Cristello are attached hereto as Exhibit C). Despite the fact that the CIS has all documentation required to adjudicate the Plaintiff's N-400, the CIS has failed and/or refused to adjudicate the Plaintiff's application.

11. The Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed and refused to adjudicate the Plaintiff's application for almost two years, thereby depriving the Plaintiff of the right to a decision on his status and the peace of mind to which the Plaintiff is entitled.

12. The Plaintiff has suffered needlessly due to the Defendants' failure to act in accordance with their duties under the law. The Plaintiff also has been damaged by virtue of being deprived of U.S. citizenship while his application has been pending.

13. The Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. Section 701 et seq., are unlawfully withholding or unreasonably delaying action on Plaintiff's application and have failed to carry out the adjudicative functions delegated to them by law with regard to the Plaintiff's case.

#### **CLAIMS FOR RELIEF**

WHEREFORE the Plaintiff respectfully prays that this honorable Court enter an order:

- (a) requiring Defendants to adjudicate the Plaintiff's Application for Naturalization;
- (b) awarding the Plaintiff costs and reasonable attorney's fees; and

(c) granting such other relief at law and in equity as justice may require.

**Respectfully submitted,**  
**Juan Maria Fernandez Batista**  
**By his attorneys,**

  
\_\_\_\_\_  
**Anthony Drago, Esq.**  
**Elizabeth A. Smith, Esq.**  
**Anthony Drago, Jr., P.C.**  
**35 India Street**  
**Boston, MA 02110**  
**(617) 357-0400**  


JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

JUAN MARIA FERNANDEZ BATISTA, 2111 Crane Brook Way,  
Peabody, MA 01960

(b) County of Residence of First Listed Plaintiff Middlesex  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Anthony Drago, Esq., Anthony Drago, Jr., P.C., 35 India Street, Boston,  
MA 02110 (617) 357-0400

**DEFENDANTS**

ALBERO GONZALES, U.S. Attorney General, et al.

County of Residence of First Listed Defendant Suffolk

(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, INDICATE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA  
02210

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |   |   |
|---|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff            | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)             |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF	
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> LABOR	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 720 Labor/Mgmt. Relations	12 USC 3410
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 449 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

- (Place an "X" in One Box Only)
- |  |   |  |   |  |   |  |
|--|---|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|--|---|--|---|--|---|--|

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. section 1331**

Brief description of cause:

Mandamus action brought to compel U.S. CIS to adjudicate Petitioner's pending Application for Naturalization

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Juan Maria Fernandez Batista v. Alberto Gonzales, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the Civil Cover Sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

\*Also complete AO 120 of AD 144  
for patent, trademark or copyright cases3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.  
n/a

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO 

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO 

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO 

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO 

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES  NO A. If yes, in which division do all of the non-governmental parties reside?  
Eastern Division  Central Division  Western Division 

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division 

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO 

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Anthony Drago, Jr., Esq.

ADDRESS Anthony Drago, Jr., P.C., 35 India Street, Boston, MA 02110

TELEPHONE NO. 617-357-0400



**LINDA A. CRISTELLO**  
ATTORNEY AT LAW

100 STATE STREET  
ELEVENTH FLOOR  
BOSTON, MASSACHUSETTS 02109

170 COMMON STREET  
SUITE 101  
LAWRENCE, MASSACHUSETTS 01840

TELEPHONE: (617) 742-0040  
FACSIMILE : (617) 742-4691

TELEPHONE: (978) 683-9594  
FACSIMILE : (978) 682-4157

February 6, 2002

**Certified Mail**

U.S. Department of Justice  
Immigration and Naturalization Service  
Eastern Service Center  
75 Lower Weldon Street  
St. Albans, VT 05479-0001

Re: FERNANDEZ-BATISTA, Juan Maria -A 30 995 991

*Application to File Petition for Naturalization*

Dear Sir/Madam:

Please be advised that this law firm represents the above-named-individual in all matters before the Immigration Service. Enclosed please find an executed Form G-28, Notice of Entry of Appearance as Attorney.

The following documentation is being filed relative to the above application:

1. Application to file Petition for Naturalization;
2. Two photographs of applicant;
3. Copy of front and back of Alien Residence Card;
4. Filing fee in the amount of \$ 250.00.

Should your office require additional information, please feel free to contact this office.

Thanking you in advance for your anticipated cooperation.

Sincerely,

Linda A. Cristello

LAC/mtn

Enclosures: As Stated

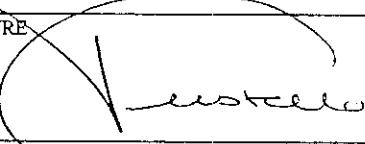
NOTICE OF ENTRY		APPEARANCE AS ATTORNEY OR REPRESENTATIVE	
In re: FERNANDEZ-Batista, Juan Maria	DA1-	//	
	FILE No.	30 995 991	

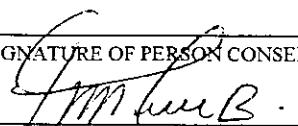
I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

NAME <b>FERNANDEZ-Batis</b>	<b>Juan Maria</b>	<input type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Applicant	
ADDRESS (Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)
<b>64 1/2 Harbor Street, #11</b>		<b>Salem</b>	<b>MA</b>	<b>01970</b>
NAME 		<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant	
ADDRESS (Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)

Check applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia  
**SUPREME COURT OF THE UNITED STATES** \_\_\_\_\_ and am not under a  
 (Name of Court)  
 court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law.
2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
3. I am associated with  
 the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
4. Others (Explain fully.)

SIGNATURE 	COMPLETE ADDRESS <b>Law Office of Linda A. Cristello</b> <b>100 State Street, 11th Floor</b> <b>Boston MA 02109</b>
NAME (Type or Print) <b>Linda A. Cristello, Esq.</b>	TELEPHONE NUMBER <b>617-742-0040</b>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: <u><b>Linda A. Cristello or her representative</b></u> (Name of Attorney or Representative)		
THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:		
NAME OF PERSON CONSENTING <b>Juan Maria Fernandez-Batista</b>	SIGNATURE OF PERSON CONSENTING 	DATE
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)		

**START HERE - Please Type or Print**

**Part 1. Information about you.**

Family Name <b>FERNANDEZ-Batista</b>	Given Name <b>Juan</b>	Middle Initial <b>M.</b>
U.S. Mailing Address - Care of		
Street Number and Name <b>64 1/2 Harbor Street</b>		Apt. # <b>11</b>
City <b>Salem</b>	County <b>Essex</b>	
State <b>MA</b>	ZIP Code <b>01870</b>	
Date of Birth (month/day/year) <b>07/08/1945</b>	Country of Birth	<b>Dom Rep</b>
Social Security # <b>050-56-7250</b>	A #	<b>30 995 991</b>

**Part 2. Basis for Eligibility (check one).**

- a.  I have been a permanent resident for at least five (5) years.
- b.  I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c.  I am a permanent resident child of United States citizen parent(s).
- d.  I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed forms N-426 and G-325B
- e.  Other. (Please specify section of law)

**Part 3. Additional Information about you.**

Date you became a permanent resident (month/day/year) <b>11/16/1973</b>	Port admitted with an immigrant visa or iNS Office where granted adjustment of status. <b>New York City, NY</b>
--	--

Citizenship  
**Dom Rep**

Name on alien registration card (if different than in Part 1)

**FERNANDEZ BATISTA, JUAN MARIA**

Other names used since you became a permanent resident (including maiden name)

**NONE**

Sex <input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female	Height <b>5'6"</b>	Marital Status <input type="checkbox"/> Single	<input checked="" type="checkbox"/> Married	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed
--	---------------------------------	-----------------------	--	---	-----------------------------------	----------------------------------

Can you speak, read and write English?  No  Yes.

Absences from the U.S.

Have you been absent from the U.S. since becoming a permanent resident?  No  Yes

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
08/1995	09/1995	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit
02/1994	06/1994	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit
02/1992	05/1992	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit
08/1986	08/1986	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit
05/1979	06/1979	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit
12/1975	12/1975	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dom. Rep.	Visit

Continued on back.

**FOR INS USE ONLY**

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	
<b>At Interview</b>	
<input type="checkbox"/> request naturalization ceremony at court	
<b>Remarks</b>	
<b>Action</b>	
<p>To be completed by Attorney or Representative, if any</p> <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant	
<b>VOLAG#</b>	
<b>ATTY State License #</b>	
<b>558038</b>	

**Part 4. Information about your residences and employment.**

- A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper:

Street Number and Name, City, State, Country, and Zip Code					Dates (month/day/year)	
					From	To
P64 1/2 Harbor Street	Salem	MA	01970	01970	1994	Present

- B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper:

Employer's Name	Employer's Address	Dates Employed (month/day/year)		Occupation/position
		From	To	
The Team Clean	Worcester St., Peabody, MA	08/00	Present	Cleaner
Eastern Building Services	900 Broadway, Lowell, MA	07/98	08/00	Cleaner
Disabled		1992	07/98	

**Part 5. Information about your marital history.**

- A. Total number of times you have been married 1. If you are now married, complete the following regarding your husband or wife.

Family name <b>FERNANDEZ</b>	Given name <b>Rosa</b>	Middle initial <b>B.</b>
Address 64 1/2 HarborStreet, #11	Salem, MA	
Date of birth (month/day/year) <b>11/15/1961</b>	Country of birth <b>Dom. Rep.</b>	Citizenship <b>US</b>
Social Security# <b>142-58-9242</b>	A# (if applicable) <b>31 055 575</b>	Immigration Status (If not U.S. citizen)
Naturalization(if applicable) (month/day/year) <b>05/23/1996</b>	Place (City, State) <b>Boston, MA</b>	

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended, and immigration status of prior spouse.

**Part 6. Information about your children.**

- B. Total number of Children 4. Complete the following for each of your children. If the child lives with you, state "with me" in the address column; otherwise give the city/state/country of the child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
<b>John M. Fernandez</b>	<b>12/02/1970</b>	<b>US</b>	<b>US</b>		<b>64 1/2 Harbor Street, Salem, MA</b>
<b>Wendy Fernandez</b>	<b>07/24/1976</b>	<b>US</b>	<b>US</b>		<b>64 1/2 Harbor Street, Salem, MA</b>
<b>Juan R. Fernandez</b>	<b>04/26/1979</b>	<b>US</b>	<b>US</b>		<b>64 1/2 Harbor Street, Salem, MA</b>
<b>Belkis M. Fernandez</b>	<b>05/29/1980</b>	<b>US</b>	<b>US</b>		<b>64 1/2 Harbor Street, Salem, MA</b>

Continued on back

**Part 7. Additional eligibility factors.**

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

1. Are you now or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the communist party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism?  Yes  No
2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
  - a. The Nazi Government of Germany  Yes  No
  - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany?  Yes  No
3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion?  Yes  No
4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?  Yes  No
5. Have you ever failed to comply with Selective Service laws?  Yes  No

If you have registered under Selective Service laws, complete the following information:

Selective Service Number: \_\_\_\_\_ Date Registered: \_\_\_\_\_

If you registered before 1978, also provide the following:

Local Board Number: \_\_\_\_\_ Classification: \_\_\_\_\_

6. Did you ever apply for exemption from military service because of alienage, conscientious objections, or other reasons?  Yes  No
7. Have you ever deserted from the military, air or naval forces of the United States?  Yes  No
8. Since becoming a permanent resident, have you ever failed to file a federal income tax return?  Yes  No
9. Since becoming a permanent resident, have you filed an income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident?  Yes  No
10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation?  Yes  No
11. Have you ever claimed in writing, or in any way, to be a United States citizen?  Yes  No
12. Have you ever:
  - a. been a habitual drunkard?  Yes  No
  - b. advocated or practiced polygamy?  Yes  No
  - c. been a prostitute or procured anyone for prostitution?  Yes  No
  - d. knowingly and for gain helped any alien to enter the U.S. illegally?  Yes  No
  - e. been an illicit trafficker in narcotic drugs or marijuana?  Yes  No
  - f. received income from illegal gambling?  Yes  No
  - g. given false testimony for the purpose of obtaining any immigration benefit?  Yes  No
13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution?  Yes  No
14. Were you born with, or have you acquired in some way, any title or order of nobility in any foreign State?  Yes  No
15. Have you ever:
  - a. knowingly committed any crime for which you have not been arrested?  Yes  No
  - b. been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?  Yes  No

(If you answer yes to 15, in your explanation give the following information for each incident or occurrence: the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

**Part 8. Allegiance to the U.S.**

If your answer to any of the following questions is "NO", attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.?  Yes  No
2. Are you willing to take the full Oath of Allegiance to the U.S. (see instructions)  Yes  No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.?  Yes  No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.?  Yes  No
5. If the law requires it, are you willing to perform work of national importance under civilian direction?  Yes  No

Continued on back

**Part 9. Memberships and Organizations**

- A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and nature of the organization. If additional space is needed, use separate paper.

None

**Part 10. Complete only if you checked block " C " in Part 2.**

How many of your parents are U.S. citizens?  One  Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Initial
Address	<i>John J. Hernandez</i>	

Basis of citizenship:	Relationship to you (check one):	<input type="checkbox"/> natural parent	<input type="checkbox"/> adoptive parent
<input type="checkbox"/> Birth		<input type="checkbox"/> parent of child legitimated after birth	
<input type="checkbox"/> Naturalization Cert. No.			

If adopted or legitimated after birth, give date of adoption, or, legitimation: (month/day/year) \_\_\_\_\_

Does this parent have legal custody of you?  Yes  No

(Attach a copy of relating evidence to establish that you are the child of the U.S. citizen and evidence of this parent's citizenship.)

**Part 11. Signature** (Read the information on the penalties in the instructions before completing this section).

I certify, or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature *J. Michael S.* Date *2/4/02*

Please Note: If you do not completely fill out this form, or fail to submit the required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

**Part 12. Signature of person preparing form if other than above. (Sign below)**

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature *Linda A. Cristello* Print your Name Linda A. Cristello, Esq. Date *2-10-02*

Firm Name and Address Law Office of Linda A. Cristello, Esq.  
100 State Street, 11th Floor, Boston, MA 02109

**DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW**

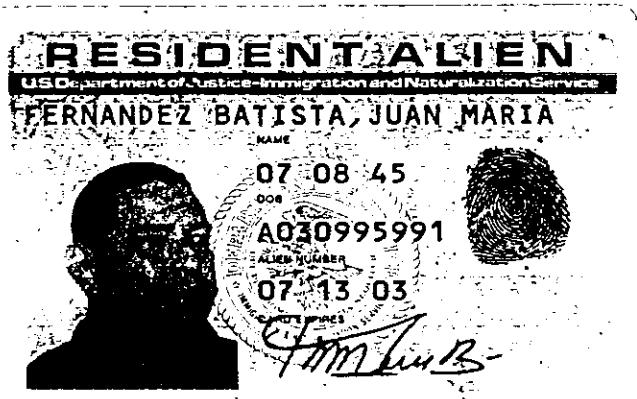
I swear that I know the contents of this application, and supplemental pages, 1 through \_\_\_\_\_, that the corrections, numbered 1 through \_\_\_\_\_, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Subscribed and sworn to before me by the applicant.

(Examiner's Signature)

Date

(Complete and true signature of applicant)



ALIEN REGISTRATION RECEIPT CARD  
PERSON IDENTIFIED BY THIS CARD IS ENTITLED TO RESIDE PERMANENTLY AND WORK IN THE U.S.

SA1 NYC 731116 585 3146881056  
A1USA030995991<03<9307<<<<<  
4507080M0307134<<<<F85F164AO  
FERNANDEZ<BATISTA<<JUAN<MARIA<



2 PHOTOGRAPHS OF APPLICANT

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
JFK FEDERAL BLDG., ROOM 820  
BOSTON, MA 02203-0002

In the Matter of:

FERNANDEZ-BATISTA, JUAN MARIA

Case No.: ABC-995-991

RESPONDENT

IN DEPORTATION PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jan 11, 2002. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision will become the official decision in this matter.

- ( ) The respondent was ordered deported to \_\_\_\_\_  
the alternative to \_\_\_\_\_
- ( ) Respondent's application for voluntary departure was denied and  
respondent was ordered deported to \_\_\_\_\_  
or in the alternative to \_\_\_\_\_
- ( ) Respondent's application for voluntary departure was granted until \_\_\_\_\_, with an alternate order of deportation  
to \_\_\_\_\_ or \_\_\_\_\_
- ( ) Respondent's application for asylum was ( )granted ( )denied  
( )withdrawn ( )other.
- ( ) Respondent's application for withholding of deportation was  
( )granted ( )denied ( )withdrawn ( )other.
- ( ) Respondent's application for suspension of deportation was ( ) granted  
under section 244(a)(1) or (2) ( ) granted under section 244(a)(3)  
( ) denied ( ) withdrawn ( ) other.
- (✓) Respondent's application for waiver under Section 212(c) of  
the Immigration and Nationality Act was (✓)granted ( )denied  
( )withdrawn ( )other.
- ( ) Respondent's application for \_\_\_\_\_ was  
( )granted ( )denied ( )withdrawn ( )other.
- (✓) Proceedings were terminated.
- ( ) The application for adjustment of status under Section (216)(216A)  
(245)(249) was ( )granted ( )denied ( )withdrawn ( )other.  
If granted, it was ordered that the respondent be issued all  
appropriate documents necessary to give effect to this order.
- ( ) Respondent's status was rescinded under Section 246.
- ( ) Other \_\_\_\_\_.
- ( ) Respondent was advised of the limitation on discretionary relief for  
failure to appear as ordered in the Immigration Judge's oral decision.

Date: Jan 11, 2002

*Leonard I. Shapiro*  
LEONARD I. SHAPIRO  
Immigration Judge

Appeal: WAIVED (Alien/INS/Beth)

Appeal Due by:

KEK

ALIEN NUMBER: 30-995-991

ALIEN NAME: FERNANDEZ-BATISTA, JU

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)  
TO:  ALIEN  ALIEN c/o Custodial Officer  ALIEN's ATT/REP  INS  
DATE: 1-11-02 BY: COURT STAFF SJ 145  
Attachments:  EOIR-3G  EOIR-28  Legal Services List  Other

60

UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION  
 CRIMINAL JUSTICE INFORMATION  
 SERVICES DIVISION  
 CLARKSBURG, WV 26306

DC000000Z

PCN 970276927507

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD - FBI NU-980414V1

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
FERNANDEZ, JUAN MARIA	980414V1	02/08/97

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	07/08/45	506	180	BRO	BLK	UNLISTED CTRY

FINGERPRINT CLASS	<del>THIS FBI IDENTIFICATION RECORD IS FURNISHED</del>
PM PM 17 26 20	<del>TO Mr. Juan Fernandez</del>
DI 14 17 PI 22	<del>PURSUANT TO DEPARTMENTAL ORDER 858-73</del>

1-ARRESTED OR RECEIVED 04/30/80

AGENCY-US SECRET SERVICE NEW YORK (NYSS10800)

AGENCY CASE-J108164394

CHARGE 1-18 USC 495 CHECK FORGERY US TREASURY CHECK

2-ARRESTED OR RECEIVED 05/01/80

AGENCY-USM NEW YORK (NYUSM0300)

AGENCY CASE-09313-054

CHARGE 1-UTTERING

3-ARRESTED OR RECEIVED 09/14/83

AGENCY-US SECRET SERVICE NEW YORK (NYSS10800)

AGENCY CASE-J108164602 NAME USED-FERNANDEZ, JUAN MARIA BATISTA

CHARGE 1-FAILURE TO APPEAR

COURT-

12/21/84 DISPOSITION-

CHARGE-FAILURE TO APPEAR

SENTENCE- 1Y PROBATION

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION  
SERVICES DIVISION  
CLARKSBURG, WV 26306

0000000Z  
PART 2

PCN 970276927507

- FBI IDENTIFICATION RECORD - FBI NO-980414V1

ISS ON CHG CONVERSION OF US TREASURY CK

SUPERVISION OR CUSTODY-

AGENCY-US PROBATION NEW YORK (NYC00176)

AGENCY CASE-

12/21/84 STATUS-PROBATION-

4-ARRESTED OR RECEIVED 09/12/85

AGENCY-DEA NEW YORK (NYDEA0300)

AGENCY CASE-C1-85-0288 NAME USED-FERNANDEZ, JUAN

CHARGE 1-CONSPIRACY

COURT-

DISPOSITION-

CHARGE-CONSPIRACY

SENTENCE-

02-20-87 CONVICTED PRISON 24 MOS, FINE \$50

5-ARRESTED OR RECEIVED 09/13/85

AGENCY-USM NEW YORK (NYUSM0300)

AGENCY CASE-17073-054

CHARGE 1-VIOLATION NARC

COURT-

02/20/87 DISPOSITION-

CHARGE-VIOLATION NARC

SENTENCE-

SENT 2Y

6-ARRESTED OR RECEIVED 03/11/87

AGENCY-FEDERAL CORR INST RAY BROOK (NY015017C)

AGENCY CASE-17073-054 NAME USED-FERNANPEZ, JUAN P

CHARGE 1-CONSP TO POSS W/INTENT TO DIST MARIJUANA

END OF PART 2 - PART 3 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION  
SERVICES DIVISION  
CLARKSBURG, WV 26306

DC000000Z  
PART 3

PCN 970275927507

- FBI IDENTIFICATION RECORD - FBI NC-930414V1

COURT-

DISPOSITION-

CHARGE-CONSP TO POSS W/INTENT TO DISTR MARIJUANA  
SENTENCE- 2Y CONFINEMENT

SUPERVISION OR CUSTODY-

AGENCY-US PROBATION NEW YORK (NY030017G)

AGENCY CASE-

03/04/88 STATUS-PAROLED

7-ARRESTED OR RECEIVED 04/14/93

AGENCY-DEA BOSTON (MADEA0100)

AGENCY CASE-CC-92-0104 NAME USED-FERNANDEZ-BATISTA, JUAN MARIA  
CHARGE 1-VIOLATION OF STATE CONTROLLED SUBSTANCE ACT

COURT-

DISPOSITION-

CHARGE-CONSPIRACY COCAINE

SENTENCE-

04-17-93 DISMISSED

DISPOSITION-

CHARGE-DISTRIBUTION COCAINE

SENTENCE-

04-17-93 DISMISSED

RECORD UPDATED 02/08/97

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR  
OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

JIS 77167 107 12/22/97 1123 86302/751.

N.

L01111 QUERY

RINSBSS1

MIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR RECORD REQUEST FOR FBI/980414V1. THE FOLLOWING WILL RESPOND TO YOUR AGENCY:

FBI - FBI/980414V1

ND.1

JIS 77207 108 12/22/97 1123 86302/751.

N.

L01111 QUERY

RINSBSS1

TN/LEE

MIS RECORD IS BASED ONLY ON THE FBI NUMBER IN YOUR REQUEST-980414V1. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD -

IF AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
FERNANDEZ, JUAN MARIA	980414V1	1007/12/97

SEX	RACE	BIRTH DATE	WEIGHT	HEIGHT	EYES	HAIR	MARITAL STATUS	DRIVING LICENSE
M	W	1945/07/01	580	120	BLK	BLK	UNM	UNL

UNDERPRINT CLASS

4 7M 17 26 20  
1 14 17 PI 20

ARRESTED OR RECEIVED 1988/04/08

AGENCY-US SECRET SERVICE NEW YORK (NYGB10000)

AGENCY CASE-J100164394

CHARGE 1-10 UCC 495 CHECK FORGERY US TREASURY CHECK

ARRESTED OR RECEIVED 1988/05/01

AGENCY-USM NEW YORK (NYUHM0300)

AGENCY CASE-S0012-054

CHARGE 1-UTTERING

ARRESTED OR RECEIVED 1988/09/14

AGENCY-US SECRET SERVICE NEW YORK (NYGCI0000)

AGENCY CASE-J100164382 NAME USED-FERNANDEZ, JUAN MARIA BATISTA  
CHARGE 1-FAILURE TO APPEAR

COURT

1984/10/31 DISPOSITION-

CHARGE-FAILURE TO APPEAR

SENTENCE- 1Y PROBATION

100 ON CUS CONVERSION OF UC TREASURY ON

W-1

AGENCY-US PROBATION NEW YORK (NY0202170)  
 AGENCY-CASE 1-86-0288 NAME USED-FERNANDEZ, JUAN  
 1984/12/21 STATUS-PROBATION

-ARRESTED OR RECEIVED 1986/09/12  
 AGENCY-DEA NEW YORK (NYDEA0300)  
 AGENCY CASE-C1-86-0288 NAME USED-FERNANDEZ, JUAN  
 CHARGE 1-CONSPIRACY

COURT-

## DISPOSITION-

CHARGE-CONSPIRACY  
 SENTENCE-  
 02-20-87 CONVICTED PRISON 24 MOS, FINE \$50

-ARRESTED OR RECEIVED 1986/09/13

AGENCY-USM NEW YORK (NYU  
 NY0300)

AGENCY CASE-17273-054  
 CHARGE 1-VIOLATION NARC

COURT-

1987/02/20 DISPOSITION-

CHARGE-VIOLATION NARC  
 SENTENCE-  
 SENT BY

ARRESTED OR RECEIVED 1987/03/11

AGENCY-FEDERAL CORR INST RAY BROOK (NY2180170)  
 AGENCY CASE-17273-054 NAME USED-FERNANDEZ, JUAN R.  
 CHARGE 1 CONSPIR TO POSSE W/INTENT TO DIST MARIJUANA

COURT

## DISPOSITION-

TRIBED CONSPIR TO POSSE W/INTENT TO DIST MARIJUANA  
 SENTENCE- 24 CONFINEMENT

SUPERVISION OR CUSTODY

AGENCY-US PROBATION NEW YORK (NY2200170)

AGENCY CASE-

1988/03/04 STATUS-PAROLED

ARRESTED OR RECEIVED 1988/04/14

AGENCY DEA BOSTON (MADEA0103)

AGENCY CASE-CC-OC-0104 NAME USED-FERNANDEZ-BATISTA, JUAN MARIA  
 CHARGE 1-VIOLATION OF STATE CONTROLLED SUBSTANCE ACT

COURT-

## DISPOSITION-

CHARGE CONSPIRACY COCAINE

SENTENCE-

04-17-93 DISMISSED

## DISPOSITION-

CHARGE DISTRIBUTION COCAINE

SENTENCE-

04-17-93 DISMISSED

A handwritten signature consisting of a stylized, cursive letter 'Z' or 'J'.



Juan Fernandez Batista

File No. 30 995 991

Date 1-23-03

Examination of the (enclosed) application N 407 shows that certain additional information, documents, or forms are needed before your application can be acted upon. To help you in that connection, we have checked  in red in this letter the items which need your attention. Please read those items, and, when you are able to comply with them, RETURN THIS LETTER with the requested information, documents, and forms. We will then complete processing of your application.

- Unless you furnish the requested information or document(s) checked , it will be necessary to recommend to the court that your petition for naturalization be denied for lack of prosecution.
- The application form you have submitted is obsolete. Complete and return the enclosed new application.
- Send money order or check for \$ \_\_\_\_\_ made payable to the Department of Justice, Immigration and Naturalization Service. Do not send cash or postage stamps.

see attached

FORM N-14 ATTACHMENT

INS FILE #: 30 995 991

DATE: 1-23-03

THE FOLLOWING REQUESTED DOCUMENTATION MUST BE RECEIVED AT THIS OFFICE BY NO LATER THAN 2-22-03 OR YOUR APPLICATION WILL BE DENIED:

- CERTIFIED COPIES OF ANY/ALL ARREST RECORDS AND COURT DISPOSITIONS CONCERNING ANY/ALL ARRESTS, CHARGES, CITATIONS, CONVICTIONS, FINES, INDICTMENTS AND IMPRISONMENTS RELATING TO YOU ANYWHERE AND EVERYWHERE IN THE WORLD, INCLUDING BUT NOT LIMITED TO THE INCIDENT(S) DISCUSSED AT TODAY'S INTERVIEW. New York
- POLICE CLEARANCE REPORTS FROM ANY/ALL JURISDICTIONS IN WHICH YOU HAVE RESIDED (INCLUDING ANY/ALL OUT-OF-STATE AND FOREIGN JURISDICTIONS) SINCE \_\_\_\_\_.
- EVIDENCE THAT YOU HAVE REGISTERED WITH THE SELECTIVE SERVICE ADMINISTRATION (I.E., SELECTIVE SERVICE REGISTRATION CARD). INCLUDE BOTH REGISTRATION NUMBER AND REGISTRATION DATE.
- LETTER FROM SELECTIVE SERVICE ADMINISTRATION EXPLAINING IN DETAIL THE CIRCUMSTANCES OF YOUR FAILURE TO REGISTER WITH SAID ADMINISTRATION.
- I.R.S. CERTIFIED COPIES OF ANY/ALL FEDERAL TAX RETURN FORMS FILED BY YOU FOR THE TAX YEARS OF \_\_\_\_\_.
- ANY/ALL HOSPITAL RECORDS CONCERNING YOUR CONFINEMENT AS A PATIENT AT \_\_\_\_\_, INCLUDING A DETAILED EXPLANATION OF YOUR DIAGNOSIS, TREATMENT AND SUBSEQUENT RELEASE FROM SAID INSTITUTION.
- LIST OF ALL ABSENCES FORM THE U.S. SINCE \_\_\_\_\_. INCLUDE DATES LEFT U.S., DATES RETURNED, PORTS WHERE YOU REENTERED U.S., COUNTRIES VISITED (INCLUDING CANADA, MEXICO AND CARIBBEAN ISLANDS) AND REASONS FOR TRAVEL.
- NOTARIZED, COMPLETE PHOTOCOPIES OF ANY/ALL PASSPORTS AND ANY/ALL OTHER TRAVEL DOCUMENTS USED IN CONNECTION WITH ANY/ALL OF YOUR TRAVEL OUTSIDE OF THE UNITED STATES.
- EVIDENCE THAT YOU HAVE BEEN PROVIDING CHILD SUPPORT SINCE \_\_\_\_\_ ON BEHALF OF \_\_\_\_\_.
- OTHER:

(3)

**LINDA A. CRISTELLO**

*ATTORNEY AT LAW*

100 STATE STREET  
ELEVENTH FLOOR  
BOSTON, MASSACHUSETTS 02109

170 COMMON STREET  
SUITE 101  
LAWRENCE, MASSACHUSETTS 01840

TELEPHONE: (617) 742-0040  
FACSIMILE: (617) 742-4691

TELEPHONE: (978) 683-9594  
FACSIMILE: (978) 682-4157

August 6, 2004

**FOURTH INQUIRY  
HAND DELIVERED**

Immigration and Naturalization Service  
J.F.K. Federal Building, Room E-140  
Government Center  
Boston, MA 02203

Attn: Citizenship Unit

RE: FERNANDEZ-Batista, Juan Maria  
A30 995 991

**ADDITIONAL SUPPORTING DOCUMENTATION  
NEW SET OF FINGERPRINTS REQUIRED**

Dear Sir/Madam:

On January 23, 2003 the above applicant was before your office to apply for his United States citizenship. During the interview the Officer requested criminal records that are already containing in the record. Because of the age of the criminal records and almost impossible to obtain another set of copies, I asked the Officer to review her file to locate the documents. She indicated that there was not enough time for a complete review.

At the conclusion of the interview she asked if I could obtain another copy. I stated that it is almost impossible since it took a substantial amount of time to locate the first set FOR Mr. Fernandez deportation proceedings.

This is a cumbersome task to try to obtain copies of outdated records, of which are already contained in the applicants file. I have searched the FBI reports and contacted the New York office in order to obtain ANOTHER copy, to no avail.

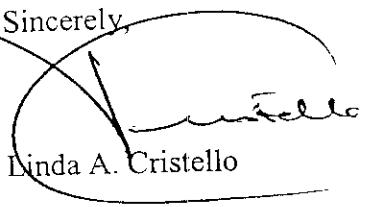
I have kept your office in contact of the progress of this case since his interview. Computer checks in room E-160 reveals that his matter remains with Officer Andrade.

On May 24, 2004, this office hand delivered a letter to your office inquiring the status of this case, to no avail.

FINALLY, attached please find a certified copy of Mr. Fernandez criminal matter from the Federal Bureau of Prisons which were previously sent to your office.

I appreciate your assistance in this matter in order to favorably resolve this issue and grant Mr. Fernandez his privilege of being a United States Citizen.

Sincerely,



Linda A. Cristello

LAC/jd  
Encs.

**LINDA A. CRISTELLO**

*ATTORNEY AT LAW*

100 STATE STREET  
ELEVENTH FLOOR  
BOSTON, MASSACHUSETTS 02109

TELEPHONE: (617) 742-0040  
FACSIMILE: (617) 742-4691

170 COMMON STREET  
SUITE 101  
LAWRENCE, MASSACHUSETTS 01840

TELEPHONE: (978) 683-9594  
FACSIMILE: (978) 682-4157

May 24, 2004

HAND DELIVERED  
Immigration and Naturalization Service  
J.F.K. Federal Building, Room E-140  
Government Center  
Boston, MA 02203

ATTN: Citizenship Unit

RE: FERNANDEZ-Batista, Juan Maria  
A30 995 991

**ADDITIONAL SUPPORTING DOCUMENTATION  
NEW SET OF FINGERPRINTS REQUIRED**

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FINALLY, attached please find a certified copy of Mr. Fernandez criminal matter from the Federal Bureau of Prisons.

This should complete the processing of this application.

**I appreciate your assistance in this matter in order to favorable resolve this issue and grant Mr. Fernandez his privilege of being an United States citizen.**

Sincerely,

Linda A Cristello

LAC/td

Enclosures: As Stated

BP-S396.058 CERTIFICATE OF RECORD CDFRM

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

I James Cochran

hereby certify and attest that I am the INMATE SYSTEMS MANAGER and as such  
 that I am the official custodian of the records of this Institution whose  
 official name and address is:

Federal Correctional Institution  
 P.O. Box 300  
 Ray Brook, NY 12977

and that the following and attached records are true and correct copies of  
 records of said Institution pertaining to:

Name: Jaun M. FernandezRegister No. 17073-054

and consisting of: Sentence Monitoring Computation Data Sheet

IN WITNESS WHEREOF, I have hereunto set my hand at

Ray Brook, NYthis 23rd day of April

A.D. 2004 .

  
Custodian of RecordsInmate Systems Manager  
TitleSTATE OF New YorkCOUNTY OF Essex  
ROBIN LEE MEACHAM  
Notary Public, State of New York  
Qualified In Franklin County  
My Commission Expires March 25, 2006

ss.

Subscribed and sworn to before me this 23rd day of April  
, 20 04.

Signature of Officer Authorized To Administer Oaths (18 U.S.C. 4004)

Record Copy - Requester; Copy - Central File

(This form may be replicated via WP)

Replaces BP-396(58) of OCT 88

RBKMZ  
PAGE 002\* PUBLIC INFORMATION  
INMATE DATA  
AS OF 03-04-1988\* 04-23-2004  
09:01:44

REGNO...: 17073-054 NAME: FERNANDEZ, JUAN M

RESP OF: RBK / PAROLE FROM PAR COM OR CT  
PHONE...: 518-891-5400 FTS: 700-561-3500THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 03-04-1988 VIA PAROLE

----- PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT  
 DOCKET NUMBER.....: 86CR901(01)  
 JUDGE.....: GRIESA  
 DATE SENTENCED/PROBATION IMPOSED: 02-20-1987  
 DATE WARRANT ISSUED.....: N/A  
 DATE WARRANT EXECUTED.....: N/A  
 DATE COMMITTED.....: 03-11-1987  
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
 PROBATION IMPOSED.....: NO  
 SPECIAL PAROLE TERM.....:

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00
RESTITUTION...:	PROPERTY: NO	SERVICES: NO	AMOUNT: \$00.00	

----- PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 391  
 OFF/CHG: CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE MARIJUANA;  
 T21 U.S.C. 846.

SENTENCE PROCEDURE.....: 4205(A) REG ADULT-ORIG TERM GRTR THAN 1YR  
 SENTENCE IMPOSED/TIME TO SERVE.: 2 YEARS

G0002

MORE PAGES TO FOLLOW . . .

RBKMZ \*  
PAGE 003 OF 003 \*PUBLIC INFORMATION  
INMATE DATA  
AS OF 03-04-1988\* 04-23-2004  
\* 09:01:44

REGNO...: 17073-054 NAME: FERNANDEZ, JUAN M

RESP OF: RBK / PAROLE FROM PAR COM OR CT  
PHONE...: 518-891-5400 FTS: 700-561-3500  
-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 03-03-1988 AT RBK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
PRIOR COMPUTATION 010: 010 010DATE COMPUTATION BEGAN.....: 02-20-1987  
TOTAL TERM IN EFFECT.....: 2 YEARS  
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARSJAIL CREDIT.....: FROM DATE THRU DATE  
09-12-1986 09-13-1986  
01-09-1987 02-19-1987TOTAL JAIL CREDIT TIME.....: 44  
TOTAL INOPERATIVE TIME.....: 0  
STATUTORY GOOD TIME RATE.....: 6  
TOTAL SGT POSSIBLE.....: 144  
PAROLE ELIGIBILITY.....: 09-05-1987  
STATUTORY RELEASE DATE.....: 08-15-1988  
TWO THIRDS DATE.....: N/A  
180 DAY DATE.....: 07-10-1988  
EXPIRATION FULL TERM DATE.....: 01-06-1989PRESUMPTIVE PAROLE DATE.....: 03-06-1988  
PAROLE EFFECTIVE.....: 03-06-1988  
PAROLE EFF VERIFICATION DATE....: 01-29-1988  
NEXT PAROLE HEARING DATE.....: N/A  
TYPE OF HEARING.....: PAROLE EFFECTIVEACTUAL SATISFACTION DATE.....: 03-04-1988  
ACTUAL SATISFACTION METHOD.....: PAROLE  
ACTUAL SATISFACTION FACILITY....: RBK  
ACTUAL SATISFACTION KEYED BY....: JECDAYS REMAINING.....: 306  
FINAL PUBLIC LAW DAYS.....: 2

S0039

ALL CURRENT COMPS ARE SATISFIED

**LINDA A. CRISTELLO**  
ATTORNEY AT LAW

100 STATE STREET  
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BOSTON, MASSACHUSETTS 02109

170 COMMON STREET  
SUITE 101  
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TELEPHONE: (617) 742-0040  
FACSIMILE : (617) 742-4691

TELEPHONE: (978) 683-9594  
FACSIMILE : (978) 682-4157

April 19, 2004

HAND DELIVERED  
Immigration and Naturalization Service  
J.F.K. Federal Building, Room E-140  
Government Center  
Boston, MA 02203

ATTN: Citizenship Unit

RE: FERNANDEZ-Batista, Juan Maria  
A30 995 991

**REQUEST FOR SERVICE REVIEW OF FILE**  
**REQUEST FOR ADDITIONAL SUPPORTING DOCUMENTATION**  
**NEW SET OF FINGERPRINTS REQUIRED**

Dear Sir/Madam:

Pursuant to a personal inquiry on January 22, 2004, this matter remains with Officer Andrade in the examinations unit.

On January 23, 2003, the above applicant was before your office to apply for his United States citizenship. During the interview the Officer requested criminal records that are already containing in the record. Because of the age of the criminal records and almost impossibly to obtain another set of copies, I asked the Officer to review her file to locate the documents. She indicated that there was not enough time for a complete review.

At the conclusion of the interview she asked if I could obtain another copy. I stated that is almost impossible since it took substantial amount of time to locate the first set FOR Mr. Fernandez deportation proceedings..

On February 20, 2003, this office hand delivered a request to additional time in which to obtain prior criminal records from 1987 in New York. We have yet to obtain another copy.

On this date I have now requested that the Executive Office for Immigration Review Office of the Immigration Court obtain their record out of archive, in hopes of recovering the Courts copy.

This is a cumbersome task to try to obtain copies of outdated records, of which are already contained in the applicants file.. I have searched the FBI reports and contacted the New York office in order to obtained ANOTHER copy, to no avail.

I am asking that your office take "a little " extra time in reviewing Mr. Fernandez file in order to assist me in this process.

Presently, this office is attempting to obtain the other records from Yew York. Request is made for additional time in which to obtain those records.

Attached please find a copy of the certified document that was hand delivered by the Trial Attorney at Mr. Fernandez trial. This record is contained in the file

**I appreciate your assistance in this matter in order to favorable resolve this issue and grant Mr. Fernandez his privilege of being an United States citizen..**

Sincerely,

Linda A. Cristello

LAC/td

Enclosures: As Stated

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

## CERTIFICATE OF RECORD

Larry Carpenter

## ACTING INMATE SYSTEMS MANAGER

and as such that I am the official custodian of the records of this Institution whose official name and

address is Federal Correctional InstitutionP.O. Box 300, Ray Brook, NY 12977and that the following and attached records are true and correct copies of records of said Institution  
pertaining to one:Juan M. Fernandez, Register No. 17073-054and consisting of: (1) Photograph xxxxxx (2) Fingerprints xxxxxx (3) Commitment xxxxxx (4) Other

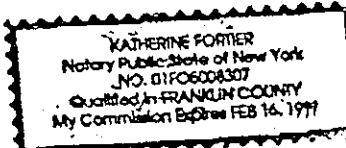
## Sentence Monitoring Computation Data Sheet

IN WITNESS WHEREOF, I have hereunto set my hand at Ray Brook, NYthis 23rd day of December A.D. 1997

*Larry Carpenter*  
Custodian of Records

Acting Inmate Systems Manager  
TitleSTATE OF New York }  
COUNTY OF Essex } ss.Subscribed and sworn to before me this 23rd day of December, 1997

Katherine Fortier  
Signature of Officer Authorized  
To Administer Oaths (18 U.S.C. 4004)

Original (White)-Requester  
First Copy (Pink)-Central File

USP LVN

Previous editions not usable

EP-306(58)  
OCTOBER 1983

REGNO...: 17073-054 NAME: FERNANDEZ, JUAN M

FBI NO.....: 980414V1  
ARSL.....: RBK/PAROLE  
UNIT.....:  
DET/NOTIF RMK....: UNKNOWN

DATE OF BIRTH: 07-08-1945

QUARTERS.....:  
NOTIFICATIONS: YES

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 03-04-1988 VIA PAROLE

REMARKS.....: NOTIFY - INS. RESIDENT ALIEN.  
NOTIFY - CENTRAL WARRANT UNIT - MANHATTAN CR. CT - FTA.

PRIOR JUDGMENT/WARRANT NO: 010 -----

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PROBATION IMPOSED.....: NO

SPECIAL PAROLE TERM.....:

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

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G0002

MORE PAGES TO FOLLOW . . .

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ACTUAL SATISFACTION FACILITY....: RBK  
ACTUAL SATISFACTION KEYED BY....: JEC

DAYS REMAINING.....: 306  
FINAL PUBLIC LAW DAYS.....: 2  
REMARKS.....: 09-13-1986 RELEASED ON PRB.

G0000

TRANSACTION SUCCESSFULLY COMPLETED

**LINDA A. CRISTELLO**  
*ATTORNEY AT LAW*

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February 20, 2003

HAND DELIVERED  
Immigration and Naturalization Service  
J.F.K. Federal Building, Room E-140  
Government Center  
Boston, MA 02203

RE: FERNANDEZ-Batista, Juan Maria  
A30 995 991

REQUEST FOR ADDITIONAL DOCUMENTATION  
REQUEST FOR ADDITIONAL TIME TO SUBMIT DOCUMENTATION

Dear Sir/Madam:

Please be advised that this office continues to represent the above-named individual in all matters before the Immigration and Naturalization Service. Form G-28, Notice of Entry of Appearance as Attorney, is on file.

Pursuant to your request for additional documentation on Form N-14, enclosed please find a certified copy of criminal record from New York relating to the narcotics conviction.

Presently, this office is attempting to obtain the other records from New York. Request is made for additional time in which to obtain those records.

Thank you, in advance, for your attention to this matter.

Sincerely,

Linda A. Cristello

LAC/td  
Enclosures: As Stated